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DISTRICT ATTORNEY

## COUNTY OF NORTHAMPTON

### OFFICE OF THE DISTRICT ATTORNEY

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July 13, 2004

John L. Heaton, Esq.  
Secretary for the Board of Pardons  
Office of Lt. Governor  
Pennsylvania Board of Pardons  
333 Market Street  
15<sup>th</sup> Floor  
Harrisburg, PA 17126-0333

Re: Mitchell D. DiVentura

Dear Attorney Heaton:

Thank you for forwarding to me an Application for Clemency filed by the above named inmate.

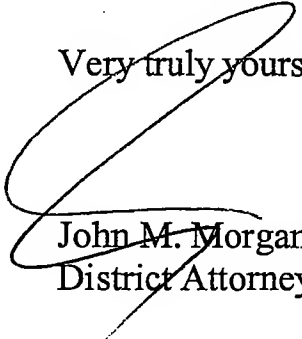
This is to advise you that this office adamantly opposes this application. It should be noted that Mr. DiVentura has had his case carefully examined. For example, in April 1979 a jury found Mr. DiVentura guilty of first-degree murder for the strangulation death of his wife. DiVentura filed a direct appeal to the Superior Court of Pennsylvania alleging that his trial counsel was ineffective for failing to request a jury instruction on voluntary manslaughter. In October 1979 the Superior Court granted DiVentura a new trial. Thereafter, in June 1982, a completely new jury convicted DiVentura again of first-degree murder and he was sentenced to a term of life imprisonment pursuant to Pennsylvania law. All of Mr. DiVentura's subsequent appeals both in the state and federal system have been denied. Quite frankly, the fact that Mr. DiVentura may be doing well in prison is really of no consequence. Two separate juries heard the facts of this case

and found Mr. DiVentura guilty of first-degree murder. In Pennsylvania, life means life. Unfortunately, in a number of cases in which the Pennsylvania Board of Pardons granted such killers an opportunity to be released, there have been tragedies associated therewith. The case of Reginald McFadden looms largely over the system as how easily psychiatrists, psychologists, the Board of Pardons and the Governor can be misled by an individual who is intent upon getting out of prison after committing the most serious of crimes i.e. first-degree murder.

The victim's family members are still alive and in the area and in the past have expressed disapproval with any consideration being given to Mr. DiVentura to be released from prison. It is the position of this office that in order for the law to be a deterrent to others, when someone is given a life sentence without parole the entire sentence must be served. Mr. DiVentura should die in prison.

Therefore, please be advised that I will do anything I can to see to it that a public hearing on this matter is denied and of course, in the event a public hearing is granted that the recommendation to the Governor be that the application be denied. I trust this answers your inquiry.

Very truly yours,



John M. Morganelli  
District Attorney

JMM/lt